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3  
4 BILL NO. Z-73-08-41

5 ZONING ORDINANCE NO. Z- *Hartman*

6 AN ORDINANCE amending the City of Fort  
7 Wayne Zoning Map No. EE-2.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is  
11 hereby designated an M1 district under the terms of Chapter 36,  
12 Municipal Code of the City of Fort Wayne, Indiana, 1946, as  
13 amended by General Ordinance No. 2836 and amendments thereof,  
14 and the symbols of the City of Fort Wayne Zoning Map No. EE-2  
15 referred to therein, established by Section 9, Article III of  
16 said Chapter as amended, are hereby changed accordingly, to-wit:

17 An abstract of title of:  
18 All that part of Lot numbered thirty three (33), Hartman's  
19 Subdivision of part of the West 1/2 of Section 9, Township  
30 North, Range 12 East, in Allen County, Indiana, described  
as follows, to-wit:

20 Beginning at a point on the north line of the Covington Road  
21 in Hartman's Subdivision of the west 1/2 of Section 9,  
22 Township 30 North, Range 12 East in Allen County, Indiana,  
23 said point being situated 502.0 feet east of the west line  
24 of Lot numbered thirty three (33) Hartman's Subdivision of  
25 part of the west 1/2 of Section 9, Township 30 North, Range  
26 12 East, thence north parallel to the said west line of  
27 Lot numbered thirty three (33) Hartman's Subdivision of  
28 part of the west 1/2 of Section 9, Township 30 North,  
Range 12 East, a distance of 150.0 feet thence east parallel  
to the north side line of the Covington Road a distance  
of 70.0 feet to the west line of the Indiana Service  
Corporation right-of-way; thence in a southerly direction  
along the said west line of the Indiana Service Corporation  
right-of-way a distance of 150.65 feet to the aforementioned  
north line of the Covington Road thence west along the said  
north line of the Covington Road a distance of 60.0 feet to  
the place of beginning.

29 SECTION 2. This Ordinance shall be in full force and  
30 effect from and after its passage and approval by the Mayor and  
31 legal publication thereof.

32  
33 *John Stuckols*  
34 Councilman  
35

APPROVED AS TO FORM  
AND LEGALITY,

*John E. C.*  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Zoning (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 8-28-73

  
Charles W. Motsenbeck

CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, placed on its passage.  
Passed (LOST) by the following vote:

AYES \_\_\_\_\_, NAYS \_\_\_\_\_, ABSTAINED \_\_\_\_\_, ABSENT \_\_\_\_\_ to-wit:

BURNS	_____	_____	_____	_____
HINGA	_____	_____	_____	_____
KRAUS	_____	_____	_____	_____
MOSES	_____	_____	_____	_____
NUCKOLS	_____	_____	_____	_____
SCHMIDT, D.	_____	_____	_____	_____
SCHMIDT, V.	_____	_____	_____	_____
STIER	_____	_____	_____	_____
TALARICO	_____	_____	_____	_____

DATE: 8-28-73 CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 28, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. 2-73-08-41; and

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

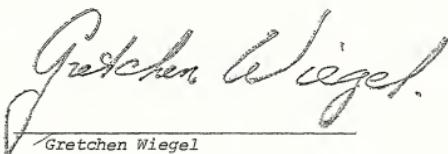
WHEREAS, a letter requesting withdrawal of the proposed ordinance has been filed with the City Plan Commission, by the petitioner, upon finding the legal description to be in error; and,

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 27, 1973.

Certified and signed this  
5th day of September, 1973



Gretchen Wiegel  
Secretary

Bill No. Z-73-08-41

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. EE-2

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Will not PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

DATE 9-25-13 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

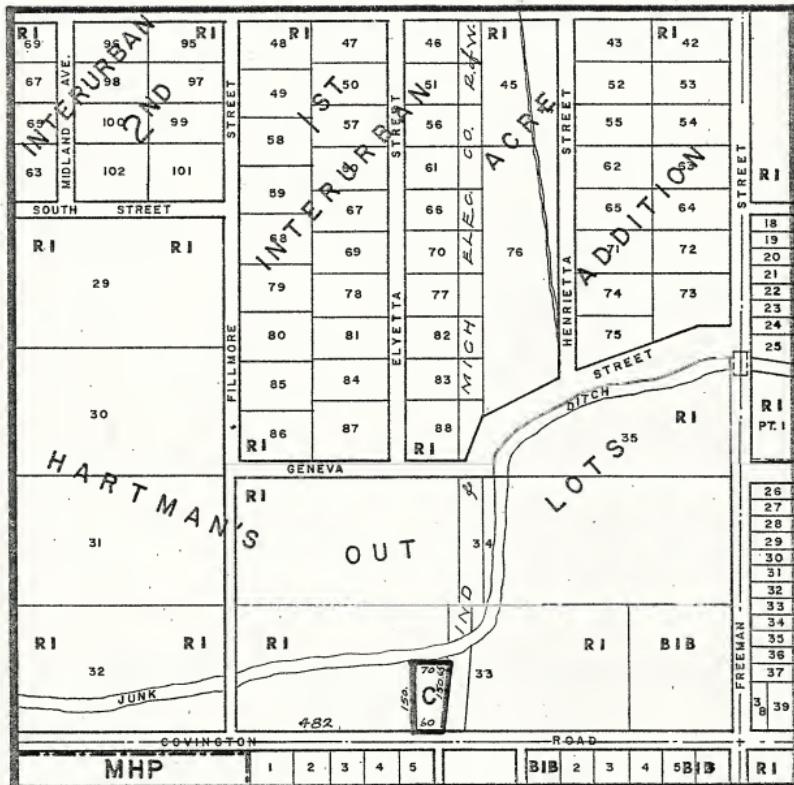
## RECEIPT

Nº 208

GENERAL FUND

FT. WAYNE, IND. Sept 22 1973

RECEIVED FROM Bob L. Madson \$ 50.00  
THE SUM OF 50 DOLLARS  
ON ACCOUNT OF 3200 Bunker Hill Rd.  
Bob L. Madson  
AUTHORIZED SIGNATURE



C CHANGE FROM RI TO MI

## BLUME, WYNEKEN, LEVINE &amp; CLIFFORD

ATTORNEYS AT LAW

344 UTILITY BUILDING • FORT WAYNE, INDIANA 46802 • PHONE 219 423-3525

## MESSAGE

## REPLY

TO Sonni

DATE \_\_\_\_\_

DATE Aug 9, 1973

In preparing this ordinance please use the legal description which is attached to the front of the packet and not the legal description on petition itself.

Call me if you any questions.

BY



SIGNED

Form N-475© The Brewing Board, Inc., Box 505, Dallas, Texas.

## INSTRUCTIONS TO SENDER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

## INSTRUCTIONS TO RECEIVER:

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

An abstract of title of:

All that part of Lot numbered thirty three (33), Hartman's Subdivision of part of the West 1/2 of Section 9, Township 30 North, Range 12 East, in Allen County, Indiana, described as follows, to-wit:

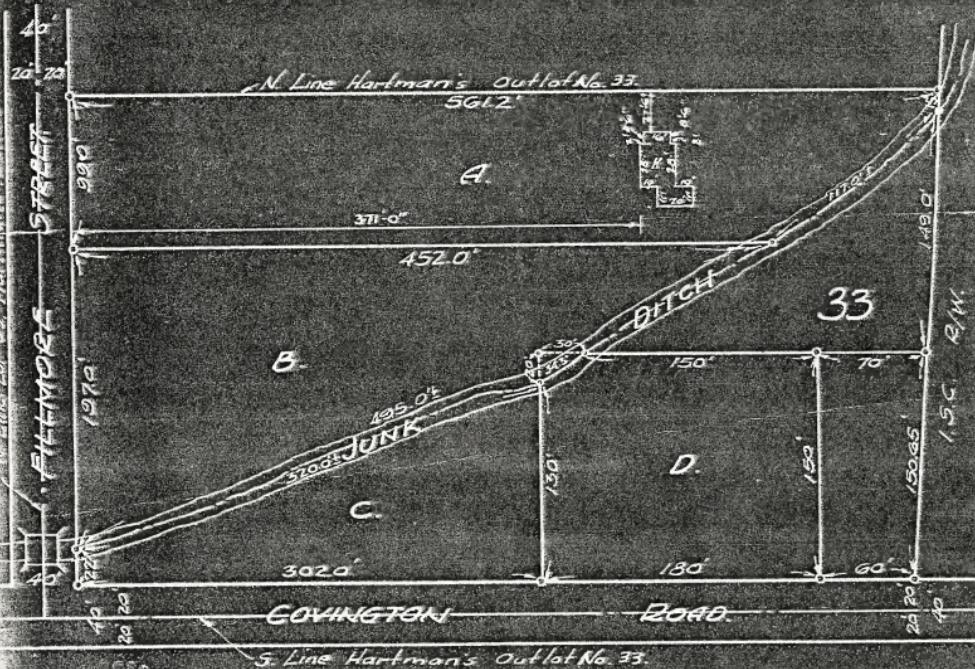
Beginning at a point on the north line of the Covington Road, in Hartman's Subdivision of the west 1/2 of Section 9, Township 30 North, Range 12, East in Allen County, Indiana, said point being situated 502.0 feet east of the west line of Lot numbered thirty three (33) Hartman's Subdivision of part of the west 1/2 of Section 9, Township 30 North, Range 12 East, thence north parallel to the said west line of Lot numbered thirty three (33) Hartman's Subdivision of part of the west 1/2 of Section 9, Township 30 North, Range 12 East, a distance of 150.0 feet thence east parallel to the ~~side~~ north line of the Covington Road a distance of 70.0 feet to the west line of the Indiana Service Corporation right-of-way; thence in a southerly direction along the said west line of the Indiana Service Corporation right-of-way a distance of 150.65 feet to the aforementioned north line of the Covington Road thence west along the said north line of the Covington Road a distance of 60.0 feet to the place of beginning.

CERTIFICATE OF SURVEY

OFFICE OF H. K. GOTTSCHALK  
REGISTERED PROFESSIONAL CIVIL ENGINEER  
FORT WAYNE, INDIANA

The undersigned Civil Engineer, registered as provided by an Act of the 72nd General Assembly of the State of Indiana, hereby certifies that he has made a resurvey of the real estate depicted and described below. Measurements were made in feet and decimals, and the corners were perpetuated as shown, in conformity with the plat and deed record thereof in the office of the Recorder of Allen County, Indiana. No encroachment existed, except as noted. The description of the real estate is as follows, to wit:

All that part of Lot numbered 33, in Hartman's Outlots in the West half of Section 9, Township 30 North, Range 12 East in Allen County, State of Indiana, described as follows, to wit: Beginning at a point on the East line of Fillmore Street situated 99.0 feet South of the North line of the said lot numbered 33, Hartman's Outlots; Thence East on a line parallel to the North line of the said lot numbered 33 a distance of 452.0 feet to the center of the Junk Ditch; thence in a Southwesterly direction following the center of the said Junk Ditch with its meanderings a distance of 495.0 feet, more or less, to the aforesaid East line of Fillmore Street; thence North along the said East line of Fillmore Street a distance of 197.0 feet to the place of beginning, the above described tract being designated as Tract B on the plat herewith.



Survey No. 7255

For Mr. George Berry.

WITNESS WHEREOF, I hereunto place my hand  
this 10th day of January 1948

*H. K. Gottschalk*

PETITION FOR ZONING ORDINANCE AMENDMENT

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Receipt No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Intended Use \_\_\_\_\_

MACHINE SHOP

W/We George M Berry - Rainbow Furniture Inc., Arthur & Carol Thompson  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an P1 District to a/an M1 District the property described as follows:

35

3029670005 Hartmans O L 34 E80 X 220 of W 562 Frt N of S 150 in name of George M Berry  
30 2967 003 E 191 of S231 of Hartmans Out Lots 33 Exc Pts Sold in name of Rainbow FURN. Inc.,  
in name of Arthur & Carol Thompson

3029670005  
Hartmans Out Lots 70 1/2 of S231 TD30,  
Orange & Allen Country 120 ft on Conn Rd. x 150  
Mrs. Carol Schwartz

(Legal Description)

(General Description for Planning Staff Use Only)

W/We, the undersigned, certify that I am/We are the owner(s) of fifty-one 100%  
percentum (51%) or more of the property described in this petition.

Rainbow Furniture 3206 Covington Rd. H. D. Thompson  
George M. Berry 2813 Greenway  
Mrs. Carol Schwartz (Name) Montgomery Miller (Signature)  
M. G. machine shop 3320 Covington Rd. Montgomery Miller  
(Name) (Address) (Signature)

Legal Description Checked By: \_\_\_\_\_

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the Office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Montgomery Miller 3320 Covington Rd. 432-1268  
(Name) (Address) (Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,  
Fort Wayne, Indiana 46802 Telephone Number 423-7571

We the undersigned, owners of property in and around the 3200 block of Covington Road understand, a request for rezoning has been filed for a change from a R1 district to M 1 Zone.

In consideration of the fact that our district needs commercial money and taxation to provide the necessary improvements to upgrade our district are in favor of this change

2430 Fillmore

3203 Covington Rd Sat Way

3301 Covington Rd

3435 Covington Rd

2928 Rousseau

2921 Freeman St

2921 Freeman St

2626 Freeman St

2435 Fillmore St

25-31 Fillmore

26 03 Fillmore

2515 Freeman St

2815 Freeman St

2820 Fillmore St

3136 Hilltop Ave

3522 Hilltop Ave

2729 Rousseau Ave

2806 Rousseau Ave

2901 " "

3100 Rousseau

2810 Fillmore

George H. Johnson

2817 Freeman St

2430 Ellyotta St

3327 Covington Rd

Harold D. Orr

Harry D. Osborne

Kosh Reff

Clyde C. Coker

Howard Chayes

Agnes C. Harber

Charles J. Harber

W. T. Maxwell

Howard -

John W. Page

W. C. Smith

Fred. Sondars

John Saylor

11200 14th St

Grace M. Berry

M.C. Augustin (bus)

Charles E. Gandy

Walter H. Judd

Calton Jannett

R. D. M. Moore

John P. Miller

V. R. C. Robertson

Frank C. Wood

Frank Rockey

3205 Freeman St

Mary Mills

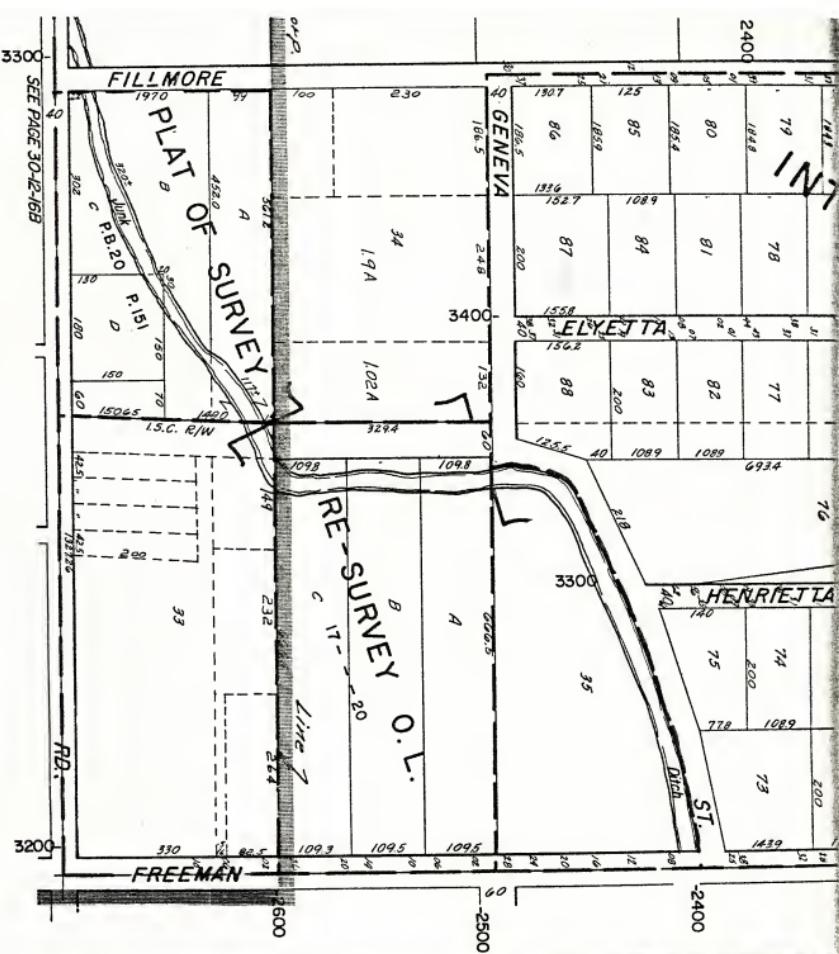
M. B. Bauch

Coffelt 3425 Covington Av.

Wilbur E. Thomas 3431 Covington Av.  
Loring O. Shell 2640 Fillmore  
Wm. Wm. Bogert 2204 Fillmore  
Charles W. Mosa 2916 Rousseau  
John M. McHenry 2916 Rousseau  
Wayne Bell  
John G. Worthington 3301 Freeman

Beginning at said point 497.0'  
East of the Southwest corner of  
the Southwest 1/4 section, Section  
9 T 30 R 12 East. Thence north  
perpendicular to Covington  
a distance of 150.0' then E East  
and parallel to the north right  
of way line of Covington Road  
a distance of 70.0' to a point.  
thence North by northeast  $90^{\circ} 4' 30''$   
ALONG EAST LINE OF 11 M ELEC. RIGHT OF WAY LINE.  
thence west along north right  
of way line of the Covington  
Road 60.0' and point of beginning.

Beginning at said point, 302 feet east of the southwest corner  
of lot 33



AN ABSTRACT OF TITLE OF: ALL THAT PART OF LOT NUMBERED  
THIRTY-THREE (33), HARTMANS'S SUBDIVISION OF PART OF THE WEST  $\frac{1}{2}$  OF  
SECTION 9, TOWNSHIP 30 NORTH RANGE 12 EAST IN ALLEN COUNTY INDIANA  
described as FOLLOWS, TO-WIT: Beginning AT A POINT ON THE NORTH LINE OF  
THE COVINGTON ROAD IN HARTMANS'S SUBDIVISION OF THE WEST  $\frac{1}{2}$  OF SECTION  
9 TOWNSHIP 30 NORTH RANGE 12 EAST IN ALLEN COUNTY INDIANA said point  
being situated 502.0 FEET EAST OF THE WEST LINE OF LOT numbered  
THIRTYTHREE (33) HARTMANS'S SUBDIVISION OF PART OF THE WEST  $\frac{1}{2}$  OF  
SECTION 9, TOWNSHIP 30 NORTH RANGE 12 EAST Thence north parallel  
TO THE SAID WEST LINE OF LOT numbered THIRTY-THREE (33) HARTMANS'S  
SUBDIVISION OF PART OF THE WEST  $\frac{1}{2}$  OF SECTION 9, TOWNSHIP 30 NORTH  
RANGE 12 EAST A DISTANCE OF 150.0 FEET Thence East parallel to the  
side north line of the ~~Indiana Service Corporation Right-of-Way~~  
~~Thence in a~~

COVINGTON ROAD A DISTANCE OF 70.0 FEET TO  
THE WEST LINE OF THE INDIANA SERVICE CORPORATION RIGHT-OF-WAY  
THENCE IN A SOUTHERLY DIRECTION ALONG THE SAID WEST LINE  
OF THE INDIANA SERVICE CORPORATION RIGHT OF WAY A DISTANCE OF  
150.65 FEET TO THE AFOREMENTIONED NORTH LINE OF THE  
COVINGTON ROAD THENCE WEST ALONG  
THE SAID NORTH LINE OF THE COVINGTON ROAD, DISTANCE OF 60.0  
FEET TO THE PLACE OF BEGINNING

✓ 2170 Log WIC

DIGEST SHEET

2-73-08-41.

TITLE OF ORDINANCE Zoning Map Amendment Ordinance

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment Ordinance

Petition initiated by property owners to rezone property located as follows:

A parcel of ground containing approximately 1/4 of an acre of Lot # 33,

Hartman's Outlots, located on the north side of Covington Road, south of the

Junk Ditch, and approximately 482 feet east of Fillmore Avenue

From "F1" to "M1"

EFFECT OF PASSAGE From One family residential to a zoning of light industrial

EFFECT OF NON-PASSAGE Property would remain one family residential

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

ASSIGNED TO COMMITTEE (J. N.) REG - wch

## ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	3-73-08-41
ORDINANCE NO.	Withdrawn
REGULAR SESSION	8-28-73
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	Keller
BILL WRITTEN BY	City Plan
DATE INTRODUCED	8-28-73
REFERRED TO SAID STANDING COMMITTEE	Planning Regulations
REFERRED TO CITY PLAN	8-28-73
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
PASS	
DO NOT PASS	
X WITHDRAWN	9-25-73
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

X	COMMITTEE SHEET
X	VOTE SHEET
	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM City Plan - Blume
	Receipt
X	ZONING MAPS
	Certificate of Survey
	ABSTRACTS
	Petition -
	TITLES
	PRIOR APPROVAL LETTER

Legal check

## COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS			
HINGA	E		
KRAUS			
MOSES			
NUCKOLS			
D. SCHMIDT			
V. SCHMIDT			
STIER			
TALARICO			

COMMENTS: